

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ERIC ALAN DODD,

Plaintiff

v.

DOMINICK DEROSE,

Defendant

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Civil No. 1:15-cv-1088

Judge Rambo

Magistrate Judge Mehalchick

ORDER

Before the court is a report and recommendation filed by the magistrate judge (Doc. 19) in which she recommends that Plaintiff Dodd's complaint be dismissed. Objections to the report and recommendation were due on October 16, 2015, and to date, no objections have been filed.

Upon review of the facts presented in the complaint and the applicable law, **IT IS HEREBY ORDERED** as follows:

- 1) The report and recommendation (Doc. 19) is adopted;
- 2) Plaintiff's motion to amend/correct the complaint (Doc. 15) is **GRANTED**;
- 3) Plaintiff is granted leave to proceed *in forma pauperis* for the filing of the complaint only;
- 4) The complaint as amended (Doc. 1, Doc. 15, Doc. 16) is **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)-(ii) and 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief can be granted;
- 5) The clerk of court is directed to **CLOSE** this case;

- 6) Any appeal from this order is deemed frivolous and not taken in good faith.

s/Sylvia H. Rambo
United States District Judge

Dated: November 17, 2015